

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-1235V

Filed: November 4, 2016

UNPUBLISHED

BARBARA STANLEY,

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Petitioner,

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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*Diana Stadelnikas Sedar, Maglio Christopher & Toale, PA, Sarasota, FL, for petitioner.
Julia Wernett McInerney, U.S. Department of Justice, Washington, DC for respondent.*

DECISION ACKNOWLEDGING REPAYMENT OF EXCESS COMPENSATION AND DIRECTING ADDITIONAL JUDGMENT¹

Dorsey, Chief Special Master:

On August 17, 2016, the undersigned issued a decision awarding petitioner's counsel attorneys' fees and costs in the amount of \$7,462.88. (ECF No. 26.) On September 20, 2016, judgment entered on the award of attorneys' fees and costs. (ECF No. 27.)

Subsequently, petitioner notified the court that petitioner's counsel had made an error in calculating the overall amount of attorneys' fees and costs and had intended to request only \$7,462.88, resulting in an overpayment of \$36.00. (ECF No. 29, 31.) This was discussed during a status conference with the staff attorney managing this case on October 31, 2016. (ECF No. 29.) The parties were advised that, since judgment had entered, a motion to amend the judgment pursuant to RCFC 60/Vaccine Rule 36 would be necessary if the parties wished to correct the error. (*Id.*)

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2012)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

On November 3, 2016, the parties filed a joint motion to amend the judgment in this case pursuant to Rule 60(a) of the Rules of the United States Court of Federal Claims. (ECF No. 31). The parties request that the Clerk issue judgment reflecting the overpayment of \$36.00 and directing that a check be sent to respondent.²

The undersigned finds the parties' request to be reasonable. Petitioner's Motion is **GRANTED**. Accordingly, the undersigned directs the Clerk to enter an additional judgment in favor of respondent in the amount of **\$36.00**, representing reimbursement for the overpayment of attorneys' fees and costs in this case.

The clerk of the court is directed to enter judgment in accordance with this decision.³

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master

² In the motion, the parties indicate petitioner's counsel should issue a check to respondent at the following address:

Ms. Cheryl Lee
Division of Vaccine Injury Compensation/HRSA
5600 Fishers Lane, Mail Stop 08N194B
Rockville, MD 20857.

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.